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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 TREVON R. KIRKLAND,
12 Plaintiff,
13 v.
14 D. SMITH, et al.,
15 Defendant.

Case No.: 1:23-cv-00602-JLT-CDB

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
AGAINST DEFENDANTS FOR FAILURE
TO OBEY COURT ORDER**

SEVEN (7) DAY DEADLINE

17 Plaintiff Trevor R. Kirkland is proceeding pro se in this civil rights action pursuant to 42
18 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment failure to protect claim
19 against Defendant Bucato and Fourteenth Amendment due process claim against Defendant
20 Moore.

I. BACKGROUND

22 On September 23, 2025, the Court issued its Order Referring Case to Post-Screening ADR
23 and Staying Case for 120 Days. (Doc. 55.) The parties were directed to “file the attached notice,
24 indicating their agreement to proceed to an early settlement conference or their belief that
25 settlement is not achievable at this time” within 45 days of the date of the order. (*Id.* at 2.)

26 On October 9, 2025, Plaintiff timely filed notice, opting to participate in an early
27 settlement conference. (Doc. 56.)

28 More than 45 days have passed, but Defendants have failed to file the required notice.

1 **II. DISCUSSION**

2 This Court's Local Rules provide that the "[f]ailure of counsel or of a party to comply
3 with these Rules or with any order of the Court may be grounds for imposition by the Court of
4 any and all sanctions authorized by statute or Rule or within the inherent power of the Court."
5 Local Rule 110.

6 Here, Defendants have failed to timely respond to the Court's September 23, 2025, order.
7 Defendants' notice concerning an early settlement conference was to be filed no later than
8 November 7, 2025. To date, no such notice has been filed with the Court.

9 **III. CONCLUSION AND ORDER**

10 Accordingly, **IT IS HEREBY ORDERED** that:

11 1. **Within seven (7) days** from the date of service of this order, Defendants **SHALL**
12 show cause in writing why sanctions should not be imposed for their failure to file a
13 Notice Regarding Early Settlement Conference as ordered on September 23, 2025; **or**
14 2. **Alternatively, within that same period**, Defendants may file a completed Notice
15 Regarding Early Settlement Conference form with the Court.

16 Any failure by Defendants to timely comply with this order will result in the imposition of
17 sanctions.

18 IT IS SO ORDERED.

19 Dated: November 10, 2025



UNITED STATES MAGISTRATE JUDGE